

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Application of FORENSIC NEWS LLC and
SCOTT STEDMAN for an Order Pursuant to 28
U.S.C. § 1782 to Conduct Discovery for Use in a
Foreign Proceeding.

Case No. 1:22-mc-347-AT

**DECLARATION OF SHLOMO RECHTSCHAFFEN IN
SUPPORT OF WALTER SORIANO’S MOTION TO INTERVENE,
OPPOSITION TO PETITIONERS’ APPLICATION PURSUANT
TO 28 U.S.C. § 1782, AND, IN THE ALTERNATIVE, MOTION TO STAY**

I, Shlomo Rechtschaffen, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Solicitor in England and Wales, admitted in 2 August 2004. I am currently the principal at Rechtschaffen Law Offices.
2. I represent Walter Soriano in a proceeding brought against Forensic News LLC, Scott Stedman, and others, (the “UK Action”) that is pending in the High Court of Justice, King’s Bench Division in England (the “High Court”).
3. I submit this Declaration in support of Mr. Soriano’s Motion to Intervene, Opposition to Petitioners’ Application Pursuant to 28 U.S.C. § 1782, and, in the Alternative, Motion to Stay (the “Motion”).
4. Unless otherwise stated, all facts set forth in this Declaration are based upon my personal knowledge, information supplied to me by Petitioners, and my review of relevant documents, including the proposed subpoena. If called as a witness, I could and would testify competently regarding the information set forth herein.

A. Procedural Background of UK Action

5. In July 2020, Mr. Soriano initiated the UK Action in the High Court against Petitioners, and others, for defamation and breach of his rights under the UK GDPR in connection with the publication of several articles.

6. Beginning in 2019, Petitioners, together with additional defendants in the UK Action, published a series of articles about Mr. Soriano, making several extremely serious allegations, including of illegality, ties to the Russian State and various other individuals of note, and involvement in Russian interference with the United States election in 2016. *See generally* Dkt. 6-9.

7. As the High Court observed, these published allegations “amount to a sustained assault on [Mr. Soriano] and his reputation.” Attached hereto as **Exhibit A** is a true and correct copy of Soriano v Forensic News LLC [2021] EWHC 56 (QB) Mr Justice Jay Approved Judgment, issued by the High Court.

8. Though the UK Defendants are based in the U.S., Mr. Soriano obtained permission to sue the defendants in England, a decision upheld on appeal. Attached hereto as **Exhibit B** is a true and correct copy of Soriano v Forensic News & Ors [2021] EWCA Civ 1952.1], issued by the Court of Appeal (Civil Division) of England and Wales.

9. Two of the UK Defendants, Mr. Coleman and Mr. Denault, settled in June 2022 and made a public apology.

10. The remaining UK Defendants have served a “Defence,” with a preliminary trial on the meaning of the various publications together with Mr. Soriano’s application to strike out parts of the “Defence” as against the remaining defendants on March 2 and 3, 2023 in the High

Court. This application will be heard by the High Court based only on the pleadings and therefore cannot include any evidence.

B. Petitioners' 28 U.S.C. § 1782 Application

11. Despite being in regular communication with counsel for the UK Defendants as counsel for Mr. Soriano, I was never informed of any intention to file the Application or of the filing of the Application. I understand that Mr. Soriano was not informed of the Application either.

12. Shortly before Christmas, Mr. Soriano discovered by chance and on his own the filing of the Application.

13. It is my understanding, based on communication with counsel for HSBC Bank USA, Meredith Fried, that HSBC Bank USA, pursuant to its general policy, does not intend to oppose the Application.

C. The Anti-Suit Injunction Application

14. On January 19, 2023, Mr. Soriano filed an Anti-Suit Injunction Application with the High Court in the UK Action (the "Anti-Suit Injunction"). Attached here as **Exhibit C** is a true and correct copy of the Anti-Suit Injunction and supporting evidence.

D. English Proof Gathering Restrictions

15. It is my opinion that the breadth and scope of the discovery sought in Petitioners' Application would likely be impermissible by the High Court in the UK Action, which exercises careful oversight and control, in particular in the context of confidential banking information.

16. I am informed by Mr. Soriano that both Mr. Soriano and USG are clients of and hold accounts with HSBC UK Bank, a member of the HSBC Group; and that neither holds an account with HSBC USA. Insofar as any banking records relating to Mr. Soriano or USG are

held in the United States, my understanding is that this would only be because dollar payments will have cleared through the U.S. entity of HSBC as part of its ordinary banking operations. Moreover, I understand from Mr. Soriano that any relevant evidence of payments or transfers made to or from Mr. Soriano and/or USG would be available in London, where Mr. Soriano's HSBC UK Bank accounts themselves are held.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 20, 2023.

A handwritten signature in dark ink, appearing to be 'SR', is written above a horizontal line.

Shlomo Rechtschaffen